

AO91 (Rev. 12/03) Criminal Complaint

FEB 06 2010

UNITED STATES DISTRICT COURT

Clerk of Court

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

GONZALEZ, Oscar Mariano

Case Number: C-10-132M

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about February 4, 2010 in Kenedy County, in the Southern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

knowingly, intentionally and unlawfully posses with the intent to distribute a controlled substance in Schedule 1 of the Controlled Substance Act of 1970, to with 860.72 kilograms of marijuana approximate gross weight.

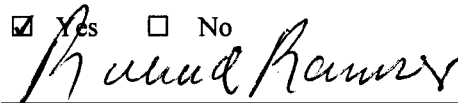
in violation of Title 21 United States Code, Section(s) 841(a)(1).

I further state that I am a(n) TFO Richard Ramirez and that this complaint is based on the following facts:

Official Title

See attached Affidavit in Support of Criminal Complaint.

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No



Signature of Complainant

Richard Ramirez, TFO

Printed Name of Complainant

Sworn to before me and signed in my presence, and I find probable cause.

February 6, 2010

Date

at 11:20am

at

Corpus Christi,

City

Texas

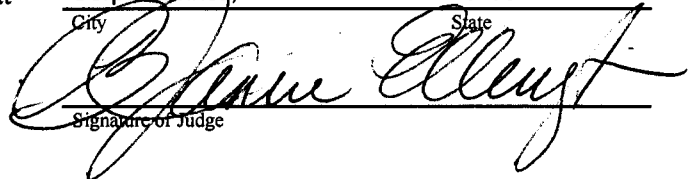
State

B. Janice Ellington

United States Magistrate Judge

Name of Judge

Title of Judge



Signature of Judge

ATTACHMENT "A"

GONZALEZ, Oscar Mariano

On February 4, 2010, at approximately 2200 hours, Border Patrol Agent Jonathon Barnby was performing his assigned primary immigration inspection duties at the United States Border Patrol Checkpoint near Sarita, Texas. Assisting BPA Barnby in the pre-primary immigration inspection area was Border Patrol Agent Adrian Gonzalez and his canine partner Nicky-B. While BPA Barnby was performing his duties a tractor pulling a flatbed trailer approached BPA Barnby's location and stopped. BPA Barnby identified himself as a Border Patrol Agent and made contact with the driver, later identified as Luis Manuel CARPIO-Resident Alien from Mexico (A# 036 606 151) and his passenger Oscar GONZALEZ - USC.

BPA Barnby questioned CARPIO as to his citizenship and stated that he was a Resident Alien as he handed BPA Barnby his Resident Alien Card. When BPA Barnby reached out to grab CARPIO's I-551 BPA Barnby noticed his hand was shaking and then he rested his right hand against his left leg and arm to control the shaking. BPA Barnby asked CARPIO where he was going and he looked over to the passenger before answering, "Sumner, Washington." BPA Barnby asked CARPIO what was on the trailer and he again looked over to the passenger for the answer then replied to BPA Barnby that he was carrying ramps for windmills. BPA Barnby then asked CARPIO if BPA Barnby could see the bill of laden and he again glanced at the passenger while he reached for the bill of laden. When CARPIO handed BPA Barnby the bill of laden BPA Barnby again noticed he was shaking and that as with the prior questions he would not make eye contact with BPA Barnby while he was answering BPA Barnby questions. BPA Barnby pointed out to CARPIO that it seemed like he was nervous and immediately he broke eye contact, rapidly shifted his weight back and forth in his seat, shook his head side to side while smirking, and began rubbing his arms in a self-soothing manner. While looking at the bill of laden BPA Barnby immediately noticed that it was a photo copy of the original bill of laden which was dated the day before. BPA Barnby also noticed that the carrier name on the bill of laden read USA MOTOR LINES and the name of the company labeled on the truck door was Casares.

BPA Barnby turned my attention from CARPIO to the passenger GONZALEZ who seemed to be very interested in the conversation that was going on between me and CARPIO. GONZALEZ seemed interested to the point that he was literally sitting on the edge of his seat and leaning half-way across the cab of the tractor. BPA Barnby asked GONZALEZ if he was a United States Citizen and he stated yes and that he was born in Brownsville, Texas. While BPA Barnby was conducting my immigration inspection BPA Gonzalez and his partner Nicky-B were performing an exterior, non-intrusive free-air sniff around the tractor and trailer. While BPA Gonzalez and his partner were performing the free-air sniff BPA Barnby asked for and received consent from CARPIO to perform an x-ray scan of the vehicle and trailer with the Z-Backscatter Vehicle. While BPA Barnby was instructing CARPIO where to go, BPA Gonzalez told me to send the

truck to the Z-Backscatter Vehicle because his canine alerted to the front of the trailer on both sides.

While scanning the vehicle, Border Patrol Agent Edgar Lopez observed anomalies in the load which differed from the rest of the load. Upon noticing the anomalies, BPA Lopez called for a canine handler to come to the Z-Backscatter Vehicle area to perform another canine search of the trailer. BPA Gonzalez and his canine partner proceeded to the Z-Backscatter Vehicle and performed a canine search of the trailer. BPA Gonzalez advised that his partner alerted and indicated to the front of the trailer area again. Because of seeing the anomalies and the canine alerting and indicating to the trailer, BPA Gonzalez removed the tarp that was covering the load over the front of the trailer and saw a wooden box. BPA Gonzalez then climbed on top of the trailer and, using a drill and drill bit, drilled a whole into the box. When BPA Gonzalez pulled the drill bit out of the box he saw marijuana and clear plastic cellophane on the tip of the drill bit. The lid of the box was then opened which revealed several bundles wrapped in clear plastic cellophane which is consistent to that of drug contraband.

****Note:** Thirty-seven (37) individually clear cellophane wrapped bundles, with a combined total weight of 1,893.6 pounds were retrieved from within the large wooden box.

CARPIO and GONZALEZ were placed under arrest and escorted inside the checkpoint by Border Patrol Agent Juan Correa. Before reading CARPIO and GONZALEZ their Miranda Rights BPA Barnby asked both of them if they speak English, to which they both stated, "Yes". BPA Barnby read CARPIO and GONZALEZ their Miranda Rights in the English language on February 04, 2010 at 2256 hours. The reading of the Miranda Rights was witnessed by Border Patrol Agent Isaac Bustillos. Both CARPIO and GONZALEZ stated that they understood their rights and were both willing to waive their rights and answer any questions and/or make statements regarding their arrest. Both subjects signed their Form I-214E accordingly.

On 02-05-2010 TFO Ramirez and TFO Pendleton responded to the Sarita Border Patrol Checkpoint to assume the investigation. TFO Ramirez and TFO Pendleton interviewed CARPIO and GONZALEZ separately regarding their identifying information and any knowledge they may have regarding the facts of the case. The interviews were preceded by TFO Ramirez reading the Miranda Warnings to CARPIO and GONZALEZ separately in the English language, which they acknowledge and understood by signing the forms as witnessed by TFO Pendleton.

CARPIO, Luis Manuel stated that he was working with GONZALEZ and was the co-driver. CAPRIO stated that on 02-03-2010 CARPIO and GONZALEZ went to 4 Front Engineered Solution at 9800 International Blvd in Pharr, Texas to load their truck. CARPIO stated that they (CARPIO and GONZALEZ) watched as they loaded 21 ramps on the flatbed trailer. CARPIO, Luis Manuel stated that after the load was tied down CARPIO and GONZALEZ drove the truck to a truck stop and parked the truck overnight.. CARPIO stated that the next morning CARPIO and GONZALEZ arrived at

the truck stop to begin their trip and CARPIO noticed that there was a trap over the ramps that had been loaded the previous day. CARPIO stated that he asked GONZALEZ about the tarp because there was not trap on yesterday and the trip did not require the load to be covered with a trap. CARPIO stated that GONZALEZ told him (CARPIO) that they were taking marijuana to Wichita Kansas and that GONZALEZ was going to pay CARPIO \$5000.00 and asked CARPIO what he thought. CARPIO stated that he (CARPIO) agreed.

GONZALEZ stated to TFO Ramirez that he works for Rudy Casares, owner of Casares Transportation. GONZLAEZ stated that when he saw the trap on the trailer GONZLAEZ questioned Rudy Casares as to why the load was covered. GONZALEZ stated that Rudy Casares told GONZALEZ not to worry that it was only a small load and that GONZALEZ was to drive the load to Wichita Kansas.

AUSA Ken Cusick authorized federal prosecution. The amount of marijuana infers the intent to distribute,